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In re Application of GAMBUT-GAREL et al :
U.S. Application No.: 10/553,058 :
PCT Application No.: PCT/FR04/00709 :
Int. Filing Date: 23 March 2004 : DECISION
Priority Date Claimed: 03 April 2003 :
Attorney Docket No.: 022702-136 :
For: CROSSLINKABLE COMPOSITION FOR A :
BATTERY ELECTROLYTE :

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Applications" filed 12 October 2005.

BACKGROUND

On 23 March 2004, applicant filed international application PCT/FR04/00709, which claimed priority of an earlier France application filed 03 April 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 21 October 2004. The thirty-month period for paying the basic national fee in the United States expired on 03 October 2005.

International application PCT/FR04/00709 became abandoned as to the United States for failure to timely pay the basic national fee.

On 12 October 2005, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The entire delay in filing the attached Filing Under 35 U.S.C. § 371 from the due date for filing the attached Filing Under 35 U.S.C. § 371 until the filing of this Petition was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.



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